

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KYLE MOON,)
vs.)
Plaintiff,)
vs.) **Case No. 04-cv-0537-MJR**
LEANNE PATE,)
Defendant.)

MEMORANDUM and ORDER

REAGAN, District Judge:

Plaintiff Moon filed this suit in 2004, pursuant to **42 U.S.C. § 1983**, alleging violation of his constitutional rights (specifically, the right of court access) while he was confined at Shawnee Correctional Center, within this Judicial District. In June 2005, the undersigned District Judge referred the case to United States Magistrate Judge Clifford J. Proud for disposition of pretrial motions. In October 2005, Defendant Pate moved to dismiss Moon's claims. Pate argued, *inter alia*, that Moon had not exhausted all administrative remedies before commencing this litigation.

Judge Proud granted Moon until mid-December 2005 to respond to the motion and later extended that deadline to April 7, 2006. After Moon responded, Judge Proud submitted a Report recommending that the undersigned District Judge *grant* Pate's dismissal motion on the ground that Pate failed to exhaust administrative remedies before filing this suit.

The Report was sent to the parties along with a notice informing them of their right to appeal by way of filing objections by May 4, 2006. As of May 9, 2006, no objections had been filed by the parties, and the period in which such objections could be filed had expired.

Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct de novo review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

Accordingly, the Court **ADOPTS** Magistrate Judge Proud's report (Doc. 26), **GRANTS** Defendant Pate's motion to dismiss (Doc. 15), and **DISMISSES** this action under **42 U.S.C. § 1997e(a)**. Dismissal shall be without prejudice. *See Burrell v. Powers*, 431 F.3d 282, 285 (7th Cir. 2005).

IT IS SO ORDERED.

DATED this 9th day of May, 2006.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge